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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/501,013	02/09/2000	Friedhelm Beckmann	2526/207-131	3304

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Lerner and Greenberg PA
P. O. Box 2480
Hollywood, FL 33022-2480

EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 12/23/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

NS 7

Office Action Summary

Application No.

09/501,013

Applicant(s)

BECKMANN, FRIEDHELM

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3, 9-13, 15-16, 18 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicants have amended the claims to include the "foamable material" limitation in the covering layer, further that the foamable material foams at a given temperature to insulate the core layer from high temperature and oxygen.
3. The rejection of claims 1-22 under 35 U.S.C. 112, second paragraph, has been withdrawn in view of Applicants amendment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by MURCH (US 3934066).

MURCH (US 3934066) discloses a fire-retardant, intumescent laminate system suitable for application to combustible or heat-sensitive substrates that comprises an intumescent layer which is a porous sheet material, e.g. paper or foams saturated with an intumescent composition and having a flexible protective layer adhered to the intumescent layer. The intumescent laminate system may include a vapor barrier layer, e.g. aluminum foil and/or a thermal barrier layer, e.g. glass wool or cardboard adjacent to the intumescent layer, and is particularly suitable

as a protective, fire retardant overlay on thermally delicate substrates such as organic foams, e.g., polystyrene. (Abstract)

The reference teaches that intumescent coatings are useful fire-retardant coating for protection of combustible, as well as heat-sensitive, substrates. The characteristic feature of all intumescent coatings in that the intumescent composition, upon exposure to heat or flame, swells or puffs up to a relatively thick cellular foam char which possesses heat-insulative and fire-retardant properties. The heat or flame activated reaction causes the intumescent materials to foam and expand into thick cellular foam char and generate inert gases such as nitrogen, carbon dioxide, etc., which are entrapped in the foam and thus prevent the access of air and oxygen to the combustible substrate. (Column 1, lines 13-30).

Regarding claims 14 and 17, *the reference discloses that intumescent coatings have been applied as films, i.e., paints or mastic coatings, directly to the surface to be protected in liquid form by brushing, rolling or spraying.* (Column 1, lines 31-34) The reference teaches that the intumescent layer can comprise a porous sheet material which is impregnated with an intumescent composition; and that the porous sheets may be *cellulosic* or protein materials, synthetic organic polymeric foams and porous films or *inorganic porous materials*. (Column 3, lines 48-59). MURCH further discloses that the porous sheet material may be in a *woven, non-woven* or mixed structure. *The thickness of each individual porous sheet to be impregnated with the intumescent compositions depends on the absorbency capacity of the porous material.* (Column 4, lines 4-15) *Further, MURCH teaches that more efficient intumescent properties can be attained by the addition of blowing agents that decompose at the appropriate temperature.* (Column 6, lines 8-10)

Further, the reference teaches that the flexible protective cover layer may comprise more than one layer of material which may be the same or different. (Column 8, lines 43-45). Also refer to Claims 1-21 of the MURCH reference.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JACOBS et al. (US 4987026) – discloses a flame-retardant fabric article of a single layer of fabric containing glass fibers and natural or synthetic fibers one side of which is covered by a thermoplastic polyvinyl halide composition to impart the desired drapability, hand, and tailorability properties of the article. Further, it teaches that the coating is capable of forming a char, which contributes to the effectiveness of the flame barrier.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 8:30-3:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

nlt
December 17, 2002

Elizabeth M. Cole
ELIZABETH M. COLE
PRIMARY EXAMINER